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ABBOTT LABORATORIES

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

SMITHKLINE BEECHAM CORPORATION, )  
d/b/a GLAXOSMITHKLINE, )

Plaintiff, )

vs. )

ABBOTT LABORATORIES, )

Defendant. )

[caption continues next page]

**Case No. C 07-5702 CW**

*Related Per November 19, 2007 Order to  
Case No. C 04-1511 CW*

**[PROPOSED] ORDER GRANTING  
ABBOTT LABORATORIES' OMNIBUS  
MOTION TO DISMISS PLAINTIFFS'  
SHERMAN ACT CLAIMS PURSUANT TO  
RULE 12(b)(6)**

Date: March 6, 2008  
Time: 2:00 p.m.  
Courtroom: 2 (4th Floor)  
Judge: Hon. Claudia Wilken

Winston & Strawn LLP  
35 W. Wacker Drive  
Chicago, IL 60601-9703

SAFEWAY INC.; WALGREEN CO.;  
THE KROGER CO.; NEW ALBERTSON'S,  
INC.; AMERICAN SALES COMPANY, INC.;  
and HEB GROCERY COMPANY, LP,

Plaintiffs,

vs.

ABBOTT LABORATORIES,

Defendant.

**No. C 07-5470 CW**

*Related Per October 31, 2007 Order to  
Case No. C 04-1511 CW*

**[PROPOSED] ORDER GRANTING  
ABBOTT LABORATORIES' OMNIBUS  
MOTION TO DISMISS PLAINTIFFS'  
SHERMAN ACT CLAIMS PURSUANT TO  
RULE 12(b)(6)**

Date: March 6, 2008  
Time: 2:00 p.m.  
Courtroom: 2 (4th Floor)  
Judge: Hon. Claudia Wilken

RITE AID CORPORATION; RITE AID  
HDQTRS, CORP.; JCG (PJC) USA, LLC;  
MAXI DRUG, INC. d/b/a BROOKS  
PHARMACY; ECKERD CORPORATION;  
CVS PHARMACY, INC.; and CAREMARK,  
L.L.C.,

Plaintiffs,

vs.

ABBOTT LABORATORIES,

Defendant.

**No. C 07-6120 CW**

*Related Per December 5, 2007 Order to  
Case No. C 04-1511 CW*

**[PROPOSED] ORDER GRANTING  
ABBOTT LABORATORIES' OMNIBUS  
MOTION TO DISMISS PLAINTIFFS'  
SHERMAN ACT CLAIMS PURSUANT TO  
RULE 12(b)(6)**

Date: March 6, 2008  
Time: 2:00 p.m.  
Courtroom: 2 (4th Floor)  
Judge: Hon. Claudia Wilken

1 Defendant, Abbott Laboratories' Omnibus Motion to Dismiss Plaintiffs' Sherman Act  
2 Claims came on for hearing before this Court on March 6, 2008. The parties were represented by  
3 counsel at the hearing. After considering all the papers filed regarding this motion, and after all  
4 counsel had an opportunity to be heard, the Court rules as follows:

5 IT IS HEREBY ORDERED:

6 1. Abbott Laboratories' Motion To Dismiss is GRANTED without leave to amend, and  
7 judgment is hereby entered in favor of Abbott Laboratories on each and every claim of the Plaintiffs'  
8 complaints.

9  
10  
11 Dated: \_\_\_\_\_

12 \_\_\_\_\_  
13 HONORABLE CLAUDIA WILKEN  
14 United States District Court  
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